


MARICOPA COUNTY  HUMAN SERVICES DEPARTMENT Employment & Training Division	SECTION/REFERENCE (29 CFR 37.54(d)(2)(viii)) Element 9 State MOA	
	ORIGINAL ISSUE DATE September 2009	REVISION DATE June 2013
	Revision Authorized By: Patricia Wallace, Assistant Director	
SUBJECT: Equal Opportunity Corrective Action and Sanctions Policy		ATTACHMENT(S):

Purpose: The purpose of this policy is to outline the procedures that the Maricopa Workforce Connections will follow when the Equal Opportunity officer identifies an Equal Opportunity deficiency as a result of a monitoring review or an Equal Opportunity Complaint.

The deficiencies fall into two categories:

- Deficiencies that do not involve discrimination, often called technical deficiencies. Deficiencies of this order would include a failure to post the required nondiscrimination poster, failure to include assurances in service plans, or failure to include in WIA participant files the Notice and the signed statement confirming participant knowledge of EO and Complaint Procedures.
- Deficiencies involving discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief and against beneficiaries on the basis of citizenship/ immigrant status to work in the United States or participation in programs funded under WIA, as amended, in admission or access to, opportunity or treatment in, or employment in the administration of, or in connection with, any WIA funded program or activity.

Responsibility of: Equal Opportunity Officer

A. Elements of Corrective Action

Corrective actions will:

- Be tailored specifically to the deficiency;
- Be designed to correct the problem completely; and
- Include a timetable, not to exceed 20 business days, for completing the actions.

Corrective actions involving discrimination must include specific provisions designed to correct discriminatory situations. These provisions may include:

Equal Opportunity Employer/Program
 Auxiliary aids and services are available upon request to individuals with disabilities

Reviewed by Policy Committee
 06/2013

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Corrective, Curative or Preventive Requirements. These are designed to prevent recurrence of the discrimination, such as:

Changing a policy, practice or procedure shown to be discriminatory or to have a discriminatory intent, communicating the changed policy and educating individuals responsible for its implementation; or

Insulating an employee or supervisor, who has been identified as knowingly or intentionally responsible for the discrimination, from those persons discriminated against and other similarly situated individuals. Reeducation and retraining of this individual would also be appropriate.

Back Pay. Each identified victim of discrimination may be entitled to be made whole for any loss of earnings the person discriminated against may have suffered by reason of the discrimination. The amount of money received should equal the amount that would have been earned had the discrimination not occurred, less any money that was earned or that could have been earned through reasonable diligence.

Cessation of Provisions. The corrective action may include an assurance that the Maricopa Workforce Connections; One stop Center, One Stop Program partner and or contractor, will cease from engaging in the specific unlawful practice that gave rise to the deficiency.

B. Corrective Action Plans:

A Corrective Action plan will be developed if any deficiencies are identified upon completion of an E.O. Review. The EO officer will provide a written report outlining any deficiency(s) to the appropriate party, i.e. One-stop Center Coordinator, One Stop Program Partners, and/or Contractors. Once all identified deficiencies have been addressed on the Corrective Action plan, the Corrective Action Plan response is required to be submitted to the Equal Opportunity Officer within **20** business days of notice

Content of Corrective Action Response: A corrective action response will certify that the deficiency has been corrected. It shall:

- List the deficiency and corrective actions as specified in the written notification;
- Describe the corrective actions taken to correct the deficiency and the dates those corrective actions were taken;
- Outline the steps to be taken to correct the deficiency and prevent it from reoccurring
- Corrective Action plan is to be signed by the highest level agency official.

C. Follow-Up

- An on-site follow up meeting with the contractor will be scheduled. During the meeting the Equal Opportunity Officer (EEO) will ensure that the all the findings addressed in the EO Technical Review were addressed.
 - The EO Officer Meeting will address the following:
 - Review each of the issues listed on the corrective action plan and document that the findings were addressed by the contractor.

- Upon completion of the on-site follow up visit by the EEO officer, a follow up report will be sent electronically and or US mail, given notice that the issues reviewed have been addressed and no further action will be required.

D. Sanctions

Sanctions shall be considered when the One-stop Center Coordinator, One Stop Program Partners, and/or Contractors will not agree to take voluntary corrective action(s). Sanctions available to the Maricopa Workforce Connections may include partial funding, offsets, disallowance of selected costs, and litigation under applicable laws or termination for cause.

E. Notification

The Maricopa Workforce Connections will notify the State of Arizona WIA Workforce Development office of all Equal Opportunity deficiencies identified as a result of the EO monitoring review. The State of Arizona WIA office will be updated on a monthly basis on all deficiencies reported until they are resolved

This notification will include:

- A description of each deficiency identified;
- Corrective or remedial action(s)s necessary to bring the Program Partner and or Contractor into compliance; and
- A determination as to whether compliance can be achieved by:
 - Immediate correction of the deficiency
 - a written assurance that the deficiency has been corrected.

Any Program Partner or Contractor may appeal any decision on deficiencies identified by the E.O. Officer.